IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 33868 of 2006(F)

PETITIONER:

P.K. MATHEW S/O.P.V. KOSHY,
PULLANJIKKALAYIL, MOONGODU, CHANNAPATTU VILLAGE,
REPRESENTED BY POWER OF ATTORNEY
SMT.ROSAMMA W/O.P.K. MATHEW, AGED 44,
PULLANJIKKALAYIL HOUSE, CHANNAPATTU.

BY ADV. SRI.S.SREEKUMAR
SRI.P.K.SOYUZ

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE, EROOR.

2. P.K. THOMAS KUTTY, S/O.KOSHY,
PULLANIKKALAYIL HOUSE, MEENKULAM,
CHANNAPATTAH.

3. LEELAMMA, PULLANJIKKALAYIL HOUSE,
MEENKULAM, CHANNAPETTAH.

4. P.K. VARGHESE, S/O.KOSHY,
PULLANIKKALAYIL HOUSE, MEENKULAM,
CHANNAPATTAH.

5. P.K. KOSHY, S/O.KOSHY,
PULLANIKKALAYIL HOUSE, MEENKULAM,
CHANNAPATTAH.

GOVERNMENT PLEADER SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF THE JUDGMENT IN O.S.NO.238 OF 2002 OF MUNSIFF'S COURT, PUNALUR DATED 10.11.2004.
EXT.P2	TRUE COPY OF THE DECREE IN O.S.NO.238 OF 2002 OF MUNSIFF'S COURT, PUNALUR DATEE 10.11.2004 AND TRUE COPY OF PROCEEDINGS DATED 11.5.2000.
EXT.P3	TRUE COPY OF DELIVERY RECEIPT DATED 28.10.2005.
EXT.P4	TRUE COPY OF REPORT DATED 26.10.2005.
EXT.P5	TRUE COPY OF REPORT OF AMIN DATED 28.10.2005
EXT.P6	TRUE COPY OF COMPLAINT DATED 13.12.2006 SUBMITTED BEFORE THE FIRST RESPONDENT BY THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

ahz/

K.BALAKRISHNAN NAIR & K.T.SANKARAN,J.

W.P.(C). NO. 33868 OF 2006 F

Dated this the 1st August, 2007

JUDGMENT

BALAKRISHNAN NAIR, J.

The petitioner submits, he is the owner of 40 cents of land with a building thereon in Channapettah Village. He got possession of the building pursuant to Ext.P1 judgment of the competent civil court. But respondents 2 to 5, without respecting the judgment of the civil court and further orders in the execution proceedings in which they were evicted, again tried to re-enter the building. Respondents 2, 3 and 5 are his brothers. Though the police was alerted, no help was forthcoming. Hence this Writ Petition.

2. We think, this is a civil dispute in which the police cannot be directed to interfere. But, if there is any commission of a cognizable offence and information regarding the same is received, the first respondent will take appropriate action in accordance with law.

The Writ Petition is disposed of as above.

(K.BALAKRISHNAN NAIR)
Judge

(K.T.SANKARAN)
Judge

ahz/